

## CLASSIFICATION OFFICE DECISION

**Title of publication:** 80682030a

**Other known title(s):** My BALLS Her Chin

**OFLC ref:** 1900251.005

**Medium:** Image File

**Publisher:** Not stated

**Country of origin:** Not stated

**Language:** English

**Applicant:** Commissioner of Police

**Classification:** Unrestricted.

**Descriptive note:** None

**Display conditions:** None

**Date of entry in Register:** 23 September 2019

**Date of direction to issue a label:** No direction to issue a label has been issued

**Date of notice of decision:** 23 September 2019

### Summary of reasons for decision:

The image file is a ‘demotivational poster’ that depicts a female subject who presents as an older teenager or young adult. While the associated text can be interpreted as referencing fellatio, the act is not depicted, nor is it described in a manner that would have meaning to anyone who was not familiar with the act itself. Although the image file is likely intended to offend, the issue of causing offence, except where highly offensive language is involved, is not something that can be taken into account under the provisions of the Films, Videos, and Publications Classification Act 1994 when deciding on whether or not to restrict a publication’s availability. Given the use of innuendo and word play, any sexual reading relies on the viewer’s understanding of sexual matters. The sexual innuendo is not overt enough to require an age restriction. Children viewing this image file are unlikely to have the maturity to interpret it as sexual and accordingly the risk of injury to the public good is very low. The unrestricted classification is consistent with the right to freedom of expression as provided by the New Zealand Bill of Rights Act 1990.